

Subchapter Five: Collection and Disposal of Solid Waste

3.05.010 Storage, Disposal, and Recycling.

(a) Each person owning, operating, occupying or in charge of any premises, business establishment, industry or other property, vacant or occupied, in the Town shall be responsible for the safe and sanitary storage and disposal of refuse accumulated on the property, and shall subscribe to refuse and recyclable materials collection service provided by a collector in compliance with the provisions of this subchapter.

(b) Each person subscribing to refuse and recycling collection service shall, to the greatest extent practical, make use of the recyclable materials collection service provided by the collector, by separating recyclable materials from refuse and placing the recyclable materials in the container provided by the collector for this purpose.

(c) No person shall store, collect or dispose of waste except in accordance with the provisions of this subchapter.

(d) No person shall store refuse in such a manner so as to promote the propagation, harborage, attraction of vectors, or the creation of a nuisance, or dispose of refuse except as provided in this subchapter.

(e) Nothing in this subchapter shall be deemed to prohibit the generator of recyclable materials from selling or donating such materials to a buyer or donee other than a collector.

[History: formerly § 3.401; ORD. 277, 09/08/82; ORD. 638, 12/14/05; ORD. 658, 06/13/07]

3.05.020 Frequency of Collection.

(a) No person owning, operating, occupying, or in charge of any premises, business establishment, industry or other property, vacant or occupied, in the Town shall permit, allow or suffer any garbage to be, remain, or accumulate on any such premises for any period longer than one week.

(b) Each person engaged in selling or furnishing food or drink to members of the public, whether as a primary business or incidental to another business, such as but not limited to bars, soda fountains, restaurants, and theaters, shall remove, or cause to be removed, all garbage accumulated in connection therewith not less than three times a week, or as often as necessary as directed by the Town's Code Enforcement Officer, whichever is more frequent.

(c) Whenever garbage and rubbish are containerized together, the period of removal shall be that applied to garbage.

[History: formerly § 3.402; ORD. 277, 09/08/82; ORD. 638, 12/14/05; ORD. 658, 06/13/07]

3.05.030 Design Requirements.

The design of any new substantially remodeled or expanded building or other facility shall provide for proper storage or handling of solid waste, including recyclable materials, which will accommodate the anticipated solid waste loading anticipated and which will allow for efficient and safe solid waste removal or collection, including the collection of recyclable materials that have been segregated from other solid waste. The design shall demonstrate to the satisfaction of the Town Building Official that it includes the required provisions.

[History: formerly § 3.403; ORD. 277, 09/08/82; ORD. 638, 12/14/05; ORD. 658, 06/13/07]

3.05.040 Dumping.

No person shall dump or place solid waste on any lot, land, street, avenue, alley, creek or highway within the Town, except to the extent that a temporary accumulation of such materials is allowed in a particular place under the provisions of a building permit issued by the Town.

[History: formerly § 3.404; ORD. 277, 09/08/82; ORD. 638, 12/14/05; ORD. 658, 06/13/07]

3.05.050 Regulation of Collectors; Self-Hauling.

(a) *Franchise or Permit Required.* No person shall convey over any of the streets or alleys of the Town, or dispose of, any solid waste accumulated in the Town unless such person has been awarded a franchise or permit to operate issued by the Town and is operating in compliance with the franchise or permit terms. The collector or collectors to which the Town has awarded a franchise or permit shall, except as otherwise provided in this subchapter, have the exclusive right to collect, convey, and transport in, along, or over the public streets, alleys, and highways in the Town all solid waste. Nothing in this section shall affect the rights of holders of permits issued by the Town pursuant to Section 3.05.100 (as it existed prior to May 1, 2007) or any predecessor section to continue operating until the expiration of such permits, provided that such permit-holder shall have paid all fees required by former section 3.05.100 and shall continue to pay an annual fee of \$2,500. Notwithstanding the foregoing, an annual permit fee shall not be required of any person that is operating pursuant to a franchise agreement with the Town.

(b) *Recycling and Diversion.* Any holder of a franchise or permit issued by the Town for collection and disposal of solid waste shall dispose of or deposit recyclable materials at a transfer station, composting facility, or recycling facility, not at a landfill or other facility that will not recycle, compost, or otherwise divert from a landfill the recyclable materials. The permittee or franchisee shall ensure that, at a minimum, all materials shall be weighed upon delivery to a transfer station, composting facility, or recycling facility, and all weight and related delivery information recorded and reported as required by this subchapter.

(c) *Self-Hauling.* This subchapter shall not prohibit the actual producers of solid waste, or the owners of premises upon which solid waste has accumulated, from personally collecting, conveying and disposing of such solid waste without obtaining the permit required herein, provided that such producers or owners comply with other provisions of this subchapter, including but not limited to the requirement to subscribe to the solid waste service offered by the collector, and any other applicable law or ordinances. Containers of one cubic yard or more owned by a collector shall be identified with the name and telephone number of the agent serving the container.

[History: formerly § 3.405; ORD. 277, 09/08/82; ORD. 638, 12/14/05; ORD. 658, 06/13/07]

3.05.060 Pre-collection Practices.

(a) *Preparation of refuse.* All solid waste shall be drained of free liquid before being deposited for collection.

(b) *Maintaining Refuse Containers.* Unless refuse containers are provided by the collector, the providing of refuse containers shall be the responsibility of the owner of the premises; however, this shall not prevent the tenant, lessee or occupant from agreeing to provide refuse containers. Refuse containers shall be maintained in good and sanitary condition. Any container that does not conform to the provisions of this subchapter, or that may have ragged or sharp edges, or that may have any other defect liable to hamper or injure any person collecting the contents thereof, shall be promptly replaced upon notice by the Town's Code Enforcement Officer.

(c) *Containers.* Property owners and tenants shall deposit all solid waste in containers which are non-absorbent, water-tight, vector-resistant, durable, easily cleanable, and designed for safe handling. Containers should be of an adequate size (not exceeding thirty-two gallons, provided that this limitation shall not apply to containers provided by the collector) and in sufficient numbers to contain, without overflowing, all the refuse that a household or other establishment generates within the designated removal period. Containers when filled shall not exceed reasonable lifting weights for an average physically fit individual except where mechanical loading systems are used. Containers shall be maintained in a clean, sound condition free from putrescible residue.

(d) *Separation of Refuse.* Garbage and rubbish may be placed and maintained in separate containers. If garbage and rubbish are placed and maintained in a common container, such container shall meet the requirements herein pertaining to garbage containers. Recyclable materials shall be placed in a separate container, and not commingled with other solid waste.

(e) *Points of Collection.* Refuse containers shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley, and accessible to not more than forty feet from the side of the street or alley from which collection is made, provided that containers may be placed for collection at other than ground level and at a distance of more than forty feet when an additional payment for the extra service is agreed upon with the

operator. Notwithstanding the provisions of this subsection, containers used in automated collection service may be placed in a street or alley as directed by the collector.

[History: formerly § 3.406; Ord. 277, 09/08/82; Ord. 638, 12/14/05; ORD. 658, 06/13/07]

3.05.070 Special Waste.

- (a) *Contagious Disease Refuse.* The removal of clothing, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the County Health Officer. Such refuse shall not be placed in containers for regular collection.
- (b) *Inflammable or Explosive Refuse.* Highly inflammable or explosive material shall not be placed in containers for regular collection or refuse, but shall be disposed of as directed by the Colma Fire District Chief at the expense of the owner or processor thereof.
- (c) *Special Waste.* Notwithstanding any other provision of this subchapter, it shall be unlawful for any person, firm or corporation to dispose of, discard or place any special waste in any receptacle or container placed and intended for collection and disposal by a collector, unless otherwise authorized by the collector.

[History: formerly § 3.407; ORD. 277, 09/08/82; ORD. 638, 12/14/05; ORD. 658, 06/13/07]

3.05.080 Collection of Solid Waste.

- (a) *Collection of Refuse.* No person may convey refuse over the streets of the Town except in equipment that is watertight, vector-resistant, durable, easily cleanable and designed for safe hauling, and so operated as to prevent offensive odors escaping there from and garbage from being blown, dropped or spilled.
- (b) *Collector vehicles.* No collector shall collect, convey over the streets and alleys of the Town, dispose of any refuse except in equipment that is water-tight, vector-resistant, durable, easily cleanable and designed for safe hauling, and so operated as to prevent offensive odors escaping there from and garbage from being blown, dropped or spilled.
- (c) *Disposal.* Disposal of solid waste shall be made outside the Town limits, at a transfer station or disposal facility that is operating in compliance with all applicable laws and holds all permits and other authorizations required for its operations.
- (d) *Equipment Safety.* Vehicles and equipment used in the transport of solid waste shall be constructed and maintained in such a manner to minimize the health and safety hazards to collection personnel and the public.

(e) *Equipment Parking.* For reasons of nuisance and vector problems, uncleaned solid waste collection vehicles containing putrescible material shall not be stored on public streets or roads except under emergency conditions. The collector must designate a location where the vehicles will be parked when not in service.

(f) *Identification of Collector.* Each vehicle used for the collection and transport of solid waste shall be clearly marked with the name of the agency or firm operating the vehicle.

(g) *Time of Collection.* No person shall remove any refuse between the hours of 5:00 p.m. and 2:30 a.m. the following date. A collector shall provide regular collection service, in compliance with any schedule established by the franchise between the collector and the Town, or permit issued by the Town, and the requirements of this subchapter.

[History: formerly § 3.408; ORD. 277, 09/08/82; ORD. 638, 12/14/05; ORD. 658, 06/13/07]

3.05.090 Records and Reporting.

(a) Any holder of a franchise or permit issued by the Town for the collection and disposal of solid waste shall maintain and make available to the Town, upon request, daily reports containing detailed information concerning recycling, diversion, and disposal of solid waste collected by the franchisee or permittee. This information shall include the number of tons of recyclable materials and refuse collected from residential and commercial premises, and the route number, the vehicle number and the franchisee or permittee's weight ticket for each load disposed or processed. Collection of recyclable materials shall be summarized by commodity and the amount collected.

(b) The franchisee or permittee shall submit monthly reports to the Town totaling the information contained in the daily reports. The franchisee or permittee shall submit annual reports to the Town on or before June 1 of each year totaling the information contained in the monthly reports for the year. The franchisee or permittee shall cooperate fully with the Town's statutory reporting obligations by providing the Town with requested information regarding recycling, diversion, and disposal of solid waste collected within Colma within a reasonable time of the franchisee or permittee's receipt of the Town's request, but in no event longer than fifteen (15) days after such receipt.

[History: ORD. 658, 06/13/07]

3.05.100 Unauthorized Removal of Solid Waste.

No person, other than the owner or occupant of premises generating the solid waste which has been placed for collection in a container, or an employee or agent of the collector, shall tamper with any container or remove or scavenge its contents. Among other things, this section prohibits the scavenging of recyclable materials from any container in which they have been placed for collection, but shall not be deemed to prohibit the generator of recyclable materials from selling or donating such materials to a buyer or donee other than a collector.

[History: ORD. 658, 06/13/07]

3.05.110 Violation.

(a) Any person violating any of the provisions of this subchapter shall be guilty of a misdemeanor, which shall be punishable as set forth in section 1.05.010 *et seq.* of the Colma Municipal Code.

(b) Keeping or maintaining any property or condition in violation of this subchapter is declared to be a public nuisance, which may be abated pursuant to the procedures set forth in the Property Maintenance and Nuisance Abatement Ordinance of the Town of Colma (Colma Municipal Code, subchapter 2.01).

[History: formerly § 3.411; ORD. 277, 09/08/82; ORD. 638, 12/14/05; ORD. 658, 06/13/07]

3.05.120 Severability.

If any section, subsection, sentence, clause or phrase of this subchapter or the application thereof to any person or circumstances is, for any reason, held to be unconstitutional or invalid, such definition shall not affect the validity of the remaining portions of this subchapter or the application of such provision to other persons or circumstances. The Town Council hereby declares that it would have passed this subchapter or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

[History: formerly § 3.412; ORD. 277, 09/08/82; ORD. 638, 12/14/05; ORD. 658, 06/13/07]